

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC D. TEREZO,	:	CIVIL ACTION NO. 1:16-CV-1436
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
DARRYL L. SMUCK, II and	:	
SOUTHERN REGIONAL POLICE	:	
DEPARTMENT,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 15th day of May, 2017, upon consideration of the motion (Doc. 11) filed by defendants Officer Darryl L. Smuck, II, and the Southern Regional Police Department (collectively, “defendants”), seeking to dismiss the complaint (Doc. 1) of plaintiff Eric D. Tereo (“Tereo”), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants’ motion (Doc. 11) is GRANTED in part and DENIED in part as follows:
 - a. The motion (Doc. 11) is GRANTED to the extent Count II of Tereo’s complaint (Doc. 1) is DISMISSED without prejudice.
 - b. Defendants’ motion (Doc. 11) is otherwise DENIED.
2. Tereo is granted leave to amend his pleading within twenty (20) days of the date of this order, consistent with the above paragraphs and the accompanying memorandum. In the absence of a timely-filed amended complaint, the above-captioned action shall proceed on the remaining claims.

3. Defendants' motion (Doc. 24) for sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure is DENIED.
4. The stay imposed by the court's order (Doc. 30) of February 28, 2017 is LIFTED.
5. The Clerk of Court will issue a revised pretrial and trial schedule by separate order.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania